



REC Region 3 Update

July 2004



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SPOTLIGHT ON

2003 Secretary of Defense Awards

Defense Supply Center Richmond

In the FY2003 Secretary of Defense Awards, Defense Supply Center Richmond (DSCR), stood out among the others by receiving five honorable mentions. KUDOS to DSCR.

Natural Resources Conservation – Small Installation and Individual Team

Areas in which DSCR is concentrating natural resources management efforts are:

- Maintenance of the Wapiti Elk: Presently a DSCR Wildlife Team project involves renovation of the open pastureland with clover and warm season grasses and the wooded pastureland with wild rye.
- Maintenance of the mature Eastern Red Oak: This forested over story is found over much of the installation in a healthy condition. It provides significant habitat for small mammals and perching birds.
- Establishment of a policy to plant more native evergreens: Numerous North American Juniper and

American Holly specimens on the installation date from the World War II era and provide an abundance of shelter, feeding, and nesting opportunities for songbirds.

Cultural Resources Management – Installation

An in-depth architectural evaluation was completed in 2003. Based on the long and continuous use of the DSCR property, as well as the depot's association with significant historical events that took place between 1941 and 1953, 63 individual properties or landscape features from the pre-World War II and Korean War-era are recommended as eligible for inclusion in the National Register as contributing elements to a proposed National Register historic district. DSCR protects its archeological sites by evaluating all excavation activities in areas designated as high probability sites. At the request of the Native American special emphasis committee, DSCR erected a monument to commemorate the site where scattered archeological resources were discovered. The monument now stands as a constant reminder of the ancient ones that once dwelled on DSCR property many years ago.

Environmental Quality – Installation

Through an effective and innovative process, DSCR actively solicited, considered, and integrated the concerns of its stakeholders in building its ongoing and successful EMS. In this initial phase, these stakeholders included the City of Richmond, Virginia, Chesterfield County, Virginia, the host county in which DSCR resides, and Virginia's Department of Environmental Quality, the Commonwealth's environmental regulatory agency. By sharing EMS best practices and lessons learned throughout the program, public sector organizations and host community stakeholders strengthened relationships and encouraged beneficial interactive dialogue. The program also established and measured objectives and targets consistent with stakeholder and organizational priorities. In addition, program partners shared tools, materials, and keys to success in their EMS implementation efforts.

Environmental Restoration – Installation

DSCR's Installation Restoration Program (IRP) is dedicated to plan, direct, monitor, and control every phase of the installations cleanup program. DSCR targeted the development and implementation of an installation-wide supplemental feasibility study work plan as a priority. This

strategic work plan outlines goals and strategies for the DSCR IRP. The plan will be used to develop the elements of an operational plan for each operable unit while maintaining a holistic outlook for site closure. The linkage between the strategic plan and the operational plan enables DSCR to track and report its performance. Only consistent and clear linkage between the program's strategic plan and the operational plans will allow a focused cycle of continuous quality improvement efforts for the organization and components.

Secretary Of Defense Honorable Mentions

Other Region III installations receiving honorable mentions were: Defense National Stockpile Center, Fort Belvoir, VA for a team in the Environmental Quality division and Naval Air Station Patuxent River in Environmental Excellence in Weapon System Acquisition for their F/A-18E/F and EA-18G Acquisition Program. We will document their successes in next month's Newsletter. To see the awards packages for DSCR and the other honorable mentions, go to:

<https://www.denix.osd.mil/denix/Public/News/OSD/SecDef03/secdef03.html>. [Table of Contents](#)

16th Annual Clean The Bay Day

By John Ballinger, CNRMA Environmental Outreach Coordinator

More than 1,100 volunteers from Commander, Navy Region, Mid-Atlantic helped make this year's 16th annual Hampton Roads Clean the Bay Day a success. Each year, tons of refuse, especially plastics, enter the marine environment from ships, recreational boaters, and land-based sources. This debris is not only unsightly as it accumulates along our shorelines, but it is a life-threatening hazard to marine wildlife, especially birds, sea turtles, and fish.

Clean the Bay Day beach cleanups have been conducted since 1989. The purpose of this annual, one-day effort has been not only to enlist the help of citizens to clean up beaches and shorelines, but also to quantify and document the types of litter found. The resulting data is then used to help identify and support policies and practices that address the use and disposal of waste, such as plastics. Perhaps the most beneficial impact of these projects, however, is the education of volunteers who participate in the cleanups and the environmental stewardship that results from it. More and more people are becoming aware of the marine debris problem and expressing a genuine desire to help solve it.



Volunteers clean up Naval Station Norfolk along Hamster Beach

With the majority of its bases having a direct impact on the Chesapeake Bay watershed, Commander, Navy Region, Mid-Atlantic adopted a proactive posture and made Clean the Bay Day a priority to help ensure the greatest turnout of volunteers possible as well as heighten environmental awareness.

Navy and their civilian counterparts helped clean up approximately 15,100 pounds of trash from shorelines and tributaries throughout the Hampton Roads region and also collected valuable data on the amount of trash collected. These efforts help foster a cleaner environment for wildlife and provide information that helps officials find ways to prevent future pollution.

Clean the Bay Day is a combined community and government demonstration of concern for the future of the Chesapeake Bay. With 66 military installations in the Chesapeake Bay watershed area, a strong Navy presence in events such as Clean the Bay Day shows the Navy's commitment to environmental stewardship.

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TRUE CRIME STORIES

Man Sentenced For Dumping Fly Ash

A Prince County man and his company were sentenced for illegally dumping fly ash in Charles County. George E. Rodgers and Rodgers Brothers Custodial Service Inc. pleaded guilty to dumping over 500 pounds of solid waste. Rodgers Brothers was contracted with the U.S. Naval Surface Warfare Center to haul and dispose of the fly ash generated by burning coal at the Indian Head power plant. Instead of taking the ash to two recycling facilities in Washington, D.C. as required or seek the approval of the Navy to use a different facility, the company arranged with a local landowner to dump the ash at the Bird Wing Farm for use as fill. Rodgers was given a one-year sentence and ordered to pay \$10,000, both suspended. The company was given a \$15,000 fine and placed on probation.

Owner Of Trucking Company Pleads Guilty To Clean Air Act Violations

The owner of a commercial trucking company in Cuba, MO pleaded guilty to Clean Air Act (CAA) violations related to the sale of conventional gasoline to service stations that were permitted to sell reformulated gasoline only. The owner, David Voss, pleaded guilty to one felony count of conspiracy to make false statements to a governmental agency and to violating the CAA by concealing and by failing to file and maintain a document required by the CAA. In addition, the trucking company, Voss Transportation Inc., pleaded guilty to violating the CAA and the Clean Water Act (CWA), and to violating

Department of Transportation hours-of-service rules for truckers. Voss faces a maximum penalty of up to five years in prison and a fine of up to \$250,000. Voss Transportation faces a maximum penalty of \$500,000 for each felony count, and a \$200,000 fine for the CWA violation. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Jun04/11.doc.html>. [Table of Contents](#)

Montana Agency Agrees To \$60,000 Penalty For Mishandling Of Tiles Containing Asbestos

Montana's General Services Agency has agreed to pay the state Department of Environmental Quality (DEQ) \$67,434 to settle allegations that material containing asbestos was illegally handled during the remodeling of a state building. The Montana DEQ cited the Department of Administration, General Services Division (GSD) for violating portions of the Montana Asbestos Control Act during the 2002 remodeling of the state's former Commerce Department building. If GSD had obtained an asbestos inspection prior to beginning the remodeling as required by the asbestos control act, the illegal activity and associated fine could have been avoided. During the remodeling, workers removed about 14,000 square feet of ceiling tiles from the Commerce Building. The asbestos-containing tiles made up about one-half of the total tile removed. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/10Jun04/16.doc.html>. [Table of Contents](#)

GENERAL INTEREST

Air Force Develops Sustainable Operations Guide For Bases

The Air Force Center for Environmental Excellence developed a sustainable operations guide, intended to help installations manage natural resources in a way that will ensure the military can continue to train at its bases long into the future. The guide discusses how the concept of sustainability is linked to the development and implementation of environmental management systems (EMS) and highlights two tools: sustainability action plans (SAPs) and the resource capability model (RCM) -- that are

being pilot tested at Air Force installations. The guide notes the ranges of issues that can constrain the military mission are crosscutting and transcend traditional environmental management programs. Planning for the sustainability of waste management, water quality and availability, energy supply, endangered species population and distribution, land use outside the fenceline, air space and air emission limits is generally not an integrated effort at Air Force installations. The guide is available at: <http://www.afcee.brooks.af.mil/products/so/guide/docs/SOGuide.pdf>. [Table of Contents](#)

Lead-Based Paint Hazards In Federally Owned Residential Property Being Soldⁱ

Housing and Urban Development (HUD) issued a final rule revising their lead-based paint regulations that makes conforming amendments, technical corrections and clarifying changes. Among other things, this rule clarifies HUD's definitions and standards for dust-lead and soil-lead hazards to make them consistent with EPA's final lead hazard standards rule (66 FR 1205, 5 Jan 01) on identification of dangerous levels of lead. The purpose of 24 CFR part 35 is to ensure to the extent practicable that housing receiving Federal assistance or being sold by the Federal Government does not have lead based paint hazards that could cause lead poisoning in young children residing in such housing. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-13873.pdf>.

Senate Reauthorizes Popular Energy Savings Contract Program

The Senate approved a measure reauthorizing the federal government's Energy Savings Performance Contracts (ESPC) program through October 2005, after pleas from the Bush administration and dozens of House and Senate members to revive the popular contracts DOD and other federal agencies use to finance energy efficient improvements at their facilities. The Senate passed the measure as part of a block of manager's amendments attached to the fiscal year 2005 defense authorization bill. The Senate approved the bill 23 Jun in a 97-0 vote. The temporary, rather than permanent, extension of the ESPC program was a compromise reached with the Senate Budget

Committee, which agreed not to raise a point of order on it. Reauthorization of the program, which lapsed at the end of FY03, had stalled due to a financial liability attached to the program when the Congressional Budget Office (CBO) scored it for the first time. CBO estimated the program, which was first authorized in 1992, would cost the government \$3 billion over 10 years to implement, but proponents have rejected that estimate, saying the true cost is zero. CBO only scored the contractual obligations of the ESPCs, but payments for ESPC projects can only be paid out of cost savings from reduced energy costs, so the government pays out no additional money. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/29Jun04/05.doc.html>. [Table of Contents](#)

Hydrotesting Waived For Some Offshore Pipelines

The Department of Transportation (DOT) determined that GulfTerra Field Services LLC does not need to comply with hydrotesting regulations for certain offshore pipeline segments in the Gulf of Mexico. In its waiver request, GulfTerra said it is unnecessary to hydrostatically test certain segments of the pipeline as the test will not demonstrate the strength and integrity of the pipeline. DOT said it is granting the waiver because the company has demonstrated that the required hydrotest will not stress the pipe wall sufficiently. Because the Phoenix pipeline uses heavy wall pipe and "is under huge compressive stresses from more than a mile of water, a hydrotest ... will not produce wall stresses high enough to detect leaks." For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/30Jun04/14.doc.html>. [Table of Contents](#)

FEDERAL NEWS

AFFIRMATIVE PROCUREMENT

Navy Affirmative Procurement Programⁱⁱ

Affirmative Procurement is the Government's preference program for products that contain recycled content/recovered materials. Referred to as "environmental purchasing" and "green purchasing", the program also gives preference for products that are energy efficient, bio-based, or otherwise environmentally preferable.

Developed in 1992 in response to [Executive Order \(EO\) 12780](#), the intent was to increase government purchase of recycled products and develop the solid waste recovered material market. The goal is to reduce solid waste disposal, minimize natural resource and energy use, and achieve life cycle cost savings. [EO 13101](#) expanded this program in 1998 to include other environmentally preferable products.

[Section 6002](#) of the Resource Conservation and Recovery Act (RCRA) and EO 13101 issue mandates and guidelines to Federal Agencies and their contractors. The EPA is assigned the task to designate items that are or can be made with recovered materials. Over 50 items are currently designated and published in the [Comprehensive Procurement Guidelines](#) (CPG). These regulations promote cost-effective waste reduction and recovery of reusable materials from Federally generate waste; promote efficient waste reduction and recycling of the nation's resources; and stimulate involvement from private sector markets through preferential procurement of the EPA designated items. Recycling continues to be a top priority in the Navy's pollution prevention program. 100% of all guideline items purchased meet the EPA guideline criteria. For more

information on the Affirmative Procurement program, go to:

<https://www.denix.osd.mil/denix/Public/News/NAVSUP4C3/Programs/AffirProc/affirm.html#aff>. [Table of Contents](#)

CAA

RICE Rulesⁱⁱⁱ

EPA issued the final national emission standards for hazardous air pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE) rated above 500 horsepower and located at major hazardous air pollutant sources (HAP).

The rule includes specific requirements for all new or reconstructed stationary RICE and for existing spark ignition 4-stroke rich burn (4SRB) stationary RICE located at a major source of HAP emissions. New or reconstructed stationary RICE which operate exclusively as emergency or limited use units are subject only to initial notification requirements. New or reconstructed stationary RICE which combust landfill gas or digester gas equivalent to ten percent or more of the gross heat input on an annual basis are subject only to initial notification requirements and to monitoring, recording, and reporting of fuel usage requirements.

With the exception of existing spark ignition 4SRB stationary RICE, other types of existing stationary RICE are not subject to any specific requirement under the final rule. Also, the final rule does not apply to test cells/stands that are covered by another NESHAP. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-13173.htm>.

Title V Operating Permits^{iv}

EPA is forming a task force to determine the performance of the title V operating permits program. The initial notice announcing this task force (17 May 04, 69 FR 27921, <http://www.epa.gov/fedrgstr/EPA-AIR/2004/May/Day-17/a11113.htm>) neglected to mention that EPA will be accepting comments related to this review effort. The ultimate goal of the Task Force will be to draft a report for consideration of the Permitting/Toxics Subcommittee to the Clean Air Act Advisory Committee to document how the title V program is performing and what elements are working well and/or poorly. The draft report may include suggestions on how to improve the program.

The CAA Services Steering Committee (CAASSC) intends to present DOD issues to the Task Force and is soliciting comments on the Title V program. If you have any comments on EPA's Title V program, please send them to [Gary Koerber](#) by 23 Jul. [Table of Contents](#)

Approval Of State Paint Emissions Rules Violates Data Quality Act

The National Paint and Coatings Association (NPCA) and The Sherwin-Williams Co. argued to EPA that approval of state regulations severely limiting volatile organic compound (VOC) emissions from building paints would violate the Data Quality Act. According to a filed petition, the state regulations are based on flawed data and EPA use of this data would violate the Data Quality Act provision requiring reproducible, transparent, peer-reviewed data. The petition asked the EPA to order a peer review of the data or to reject the state regulations.

EPA proposed approval for New York, **Pennsylvania**, and **Maryland** to change their state implementation plans by adopting the regulations. The state regulations adopt a model rule developed by the multi-state Ozone Transport Commission to control VOC emissions from architectural and industrial maintenance (AIM) coatings. These coatings include paints used for a variety of structures and traffic paint. States are asking for approval of the State Implementation Plan (SIP) revisions, but they are not asking for credit against their total VOC limits from the SIP changes. The states also are saying how much emissions reductions will result from the SIP revisions. EPA is not relying on the report in determining whether or not to approve the revisions. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/18Jun04/12.doc.html>. [Table of Contents](#)

Rule Regarding Routine Equipment Replacement

As documented in our [September 2003 Issue](#), EPA issued a final rule that provided certainty about when routine equipment replacement activities require a detailed permit review. This final rule was part of the New Source Review (NSR) permitting program's routine maintenance, repair and replacement exclusion. EPA is codifying District of Columbia Circuit Court of Appeals order that stayed this final rule. EPA is also releasing an interpretation of the effect of the stay on the Prevention of Significant Deterioration federal implementation plans in various state implementation plans. For more information go to: <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-14989.htm>.

PM 2.5 Designations^v

The EPA informed states of the attainment status of counties for the PM_{2.5}. Twenty-two states and the District of Columbia were informed they are currently in nonattainment with the new PM_{2.5} standard. EPA will

issue final designations of counties attainment or nonattainment of the PM_{2.5} standard in November 2004, after states have had an opportunity to comment on the proposed designations.

Region III areas designated for nonattainment are: **Baltimore, MD; Berkeley, WV- MD; Charleston, WV; Harrisburg, PA; Huntington WV-KY-OH; Johnstown, PA; Lancaster, PA; Marion County, WV; New York, NY-NJ-CT-PA; Parkersburg WV-OH; Philadelphia, PA-NJ-DE-MD; Pittsburgh PA; Reading, PA; Steubenville, OH-WV; Washington, DC; Wheeling, WV-OH; York PA.**

A map showing attainment designations is available at: <http://www.epa.gov/pmdesignations/documents/120/statusMap.pdf>. [Table of Contents](#)

Rule Designed To Cut Emissions 20 Percent Marine Diesel Upheld

The U.S. Court of Appeals for the District of Columbia Circuit upheld an EPA rule regulating emissions from marine diesel engines when it rejected an environmental group's argument that the standards fail to lower emissions.

On 28 Feb 03, the agency issued a [final rule](#) adopting a two-tiered approach to setting standards for "category 3"

marine diesel engine, very large marine engines used primarily for propulsion power on ocean-going vessels such as container ships, tankers, bulk carriers, and cruise ships, at or above 30 liters per cylinder. The Bluewater Network challenged the agency, claiming the rule failed to reduce emissions from those engines and entirely fails to regulate emissions from foreign-flagged ships' engines as required by Section 213(a)(3) of the Clean Air Act.

The first step of the two-step rule applies only to U.S.-flagged ships and is designed to achieve "a 20-percent reduction in the national Category 3 [nitrogen oxides] inventory by 2030." The group argued this step was essentially meaningless given the target reduction is already met by engine manufacturers under a pending international agreement, Annex VI to the International Convention for the Prevention of Pollution by Ships (MARPOL). Further, the group contended that EPA is not following the letter of the law in that the Clean Air Act requires the "greatest degree of emission reduction achievable with available control technology". The court text is available at: <http://pacer.cadc.uscourts.gov/docs/common/opinions/2004/06/03-1120a.pdf>. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/24Jun04/28.doc.html>. [Table of Contents](#)

CERCLA

Army To Pay Fine For Alleged Phytoremediation Cleanup Violations

The Army Environmental Center, Tennessee Valley Authority (TVA) and Alliant Techsystems agreed to pay \$150,000 to settle alleged violations of state cleanup law during a phytoremediation project at a National Priorities List site in Minnesota. The State had originally assessed a fine of \$1 million for the alleged violations. The violations stem from a phytoremediation project where corn and mustard plants were used at the Twin Cities Army Ammunition Plant (TCAAP) in an attempt to remove lead from the soil. The Army contracted with TVA to oversee phytoremediation projects at a variety of sites including TCAAP, where the project began in May 1998. But the parties involved failed to obtain a permit for the project and did not properly maintain some of the monitoring

equipment used to track contamination. During the summer of 1998, acetic acid and ethylenediaminetetraacetic acid (EDTA) were applied to the soil to make it easier for plants to take up the lead. Subsequent readings from the monitors showed increasing amounts of lead and EDTA, indicating that pollutants were moving deeper into the soil. According to the State, TVA knew about this data in the fall of 1998 but did not make the information available to others until December 1999, by which time the lead and EDTA were detectable in water samples collected from ditches adjacent to the test plot as well as the groundwater beneath the plot. For more information go to:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DEA/29Jun04/22.doc.html> or <http://www.pca.state.mn.us/news/data/newsRelease.cfm?NR=263167&type=2>. [Table of Contents](#)

EPCRA

Releases Rose By Five Percent

Total releases of toxic substances into the environment increased about five percent in 2002. EPA released preliminary data in its Toxic Release Inventory (TRI) Public Data Release 2002. According to the data, total toxic releases in 2002 were 4.79 billion pounds. This was a five percent increase over the previous year. The TRI, which was established by the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, is a publicly accessible, electronic database that includes data about emissions of several hundred chemicals and

pesticides. About 650 chemicals are subject to TRI reporting. In 2001, 24,896 facilities submitted 95,513 TRI reporting forms. 315 Federal facilities reported for 2002, an increase of 10% from 286 facilities in 2001. The TRI Public Data Release 2002 is available at: http://www.epa.gov/newsroom/tri2002/TRI2002_files/frame.htm and <http://www.epa.gov/triexplorer/>. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/23Jun04/28.doc.html>. [Table of Contents](#)

NATURAL RESOURCES

LFA Sonar Amendment^{vi}

The National Marine Fisheries Service (NMFS) proposed to amend its regulations governing the taking of marine mammals incidental to operations of the Navy's Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar to implement provisions of the National Defense Authorization Act (NDAA) of 2004. Included in this law were amendments to the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 et seq.) that apply where a "military readiness activity" is concerned. Of specific importance for the SURTASS LFA sonar take authorization, the NDAA amended section 101(a)(5) of the MMPA, which governs the taking of marine mammals incidental to otherwise lawful activities.

Although the MMPA **no longer requires** the identification of a "specified geographical region" in which military readiness activities will occur, information regarding where the Navy will operate SURTASS LFA sonar remains necessary for NMFS to make its required negligible impact determination and to prescribe appropriate mitigation and monitoring.

Also, although the "small numbers" requirement **no longer applies to military readiness activities**, information regarding estimates of anticipated take will remain necessary for NMFS' negligible impact determinations.

Please send comments and information to [Gary Koerber](#) by 22 Jul 04. More information is available at: <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-14718.pdf>.

Interest Shown In Program To Conserve Land On Mid-Atlantic Peninsula

Despite federal funding shortages, local landowners have shown strong interest in a new regional program to improve the viability of agriculture and protect natural resources on the Delmarva Peninsula, a 200-mile long stretch of land that includes Delaware and the eastern portions of Maryland and Virginia. Officials from the three states told a field hearing of the House Resources Subcommittee on Fisheries, Conservation, Wildlife, and Oceans that a comprehensive plan for implementing the program, known as the Delmarva Conservation Corridor Demonstration Project, is in place. More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/15Jun04/22.doc.html>. [Table of Contents](#)

POLLUTION PREVENTION

Preferable Purchasing Guides^{vii}

EPA has published four draft Environmentally Preferable Purchasing (EPP) Guides. These guides provide information to federal procurement officials for making EPP decisions that can help protect human health and the environment. They include the following:

- "Greening Your Purchase of Carpet: A Guide For Federal Purchasers"

- "Greening Your Meetings and Conferences: A Guide For Federal Purchasers"
- "Greening Your Purchase of Cleaning Products: A Guide For Federal Purchasers"
- "Greening the Purchase of Your Copiers: A Guide For Federal Purchasers"

The guides are available on EPA's EPP website at <http://www.epa.gov/epp/documents/pfs.htm>. If you have comments that you wish to be submitted, please send them

to [Gary Koerber](#) by 15 Aug. More information is available at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-14831.pdf>

RECYCLING

Paper Recovery Rate Tops 50 Percent In 2003

The American Forest & Paper Association (AF&PA) said in the 2004 edition of its annual Recovered Paper Statistical Highlights that more than half of the paper consumed in the United States during 2003 was recovered, an all-time high in the history of paper recycling. 49.3 million tons of paper, or 50.3 percent of the paper consumed in the nation in 2003, was recovered. Paper recovery has generally been on the upswing during the past 15 years, according to the association. The 2003 rate reflects an increase of 69 percent from the 1990 level of 33.5 percent and is a 3.4 percent increase from the 2002 rate of 48.2 percent or 47.6

million tons. According to the report, far more paper is recovered for recycling than is sent to landfills. While 49.3 million tons was recovered in 2003, 37.7 million tons wound up in landfills. The American Forest and Paper Association's Recovered Paper Statistical Highlights is available at:

http://www.afandpa.org/Content/NavigationMenu/Environment_and_Recycling/Recycling/Statistics5/Statistics.htm.

More information is available at:

<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/29Jun04/13.doc.html> [Table of Contents](#)

SPCC

Proposed Rule To Extend SPCC Rule Deadlines

On July 2002, EPA issued a final rule amending the Oil Pollution Prevention regulation promulgated under the authority of the Federal Water Pollution Control Act. EPA is proposing to extend, by 12 months, certain upcoming compliance dates for the July 2002 Spill Prevention, Control, and Countermeasures (SPCC) amendments. This extension follows a previous [18-month extension](#). In light of a recent partial settlement of litigation involving the July 2002 amendments, EPA is proposing the extension to

provide sufficient time for the regulated community to undertake the actions necessary to prepare and update their plans. The proposed extension is also intended to alleviate the need for individual extension requests. The new proposed compliance dates are 17 Aug 05, to amend an existing SPCC Plan, and 18 Feb 06, to implement the Plan. The proposed rule is available at:

<http://www.epa.gov/oilspill/pdfs/fr061704.pdf>.

More information is available at:

<http://www.epa.gov/oilspill/index.htm>. [Table of Contents](#)

WATER

Review Of Phase II Stormwater Regulations Denied

The Supreme Court denied a request to review whether EPA's phase II stormwater regulations are unconstitutional, leaving in place language requiring local governments to regulate third parties to prevent polluted stormwater from reaching municipal stormwater systems. The stormwater rule mandates areas with storm systems serving fewer than 100,000 people and seeking "general permits" under the Clean Water Act's point source permit program to implement a host of best management practices to prevent discharges into their municipal separate storm sewer systems (MS4s). The petitioners say provisions of the rule "commandeer local police powers," pointing to rule language stating local governments must "effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges." For more information go to: <https://www.denix.osd.mil/denix/DOD/News/Pubs/PAL/23Jun04/18.doc.html>. [Table of Contents](#)

Penalties For Non-Submission Of Ballast Water Management Reports^{viii}

Fines of up to \$27,500 per day may be assessed on vessels entering U.S. ports that do not submit reports on the management of their ballast water under a Coast Guard rule. Currently, the ballast water management guidelines are voluntary, but the requirement to submit ballast water reporting forms has been mandatory since 1999. In July 2003, the agency proposed mandatory ballast management practices, most likely mid-ocean ballast exchange, for all vessels entering U.S. waters. The penalties are authorized under the National Invasive Species Act, which is designed to control and reduce the amount of nonnative species introduced into U.S. waters from ballast water. The Coast Guard stated the penalties may help increase compliance and clarified that \$27,500 is the maximum penalty. Coast Guard and **DOD vessels are exempted**. Ballast water discharges from DOD vessels will be regulated under the Uniform National Discharge Standards program via the

Clean Water Act as directed by the National Invasive Species Act, Section 1103. This final rule is effective 13 Aug 04. The rule is available at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr14jn04-14.pdf. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14Jun04/16.doc.html>

Proposed Bacteria Standards For Coastal States Lacking Protections^{ix}

EPA has proposed water quality criteria for allowable levels of bacteria considered safe enough for swimming in coastal waters. The proposed criteria are required under the 2000 Beach Environmental Assessment and Coastal Health Act (P.L. 106-284) for those states that have not yet adopted standards at least as protective as what EPA recommends. That law, which amended the Clean Water Act, directed the 35 coastal and Great Lakes states to adopt criteria as protective as those recommended by EPA into their standards by 10 Apr 04. The agency expects to make the rule final by the end of the year. Virginia has adopted the recommended criteria for all of their coastal waters into their standards. Delaware, Maryland, and Pennsylvania are working towards adoption of the criteria.

Fecal coliforms previously had been used as an indicator by EPA, but the agency switched recommending E. coli instead because it was considered a good predictor of whether people would get sick from swimming in waters contaminated by bacteria.

More information on the proposed bacteria standards is available at: <http://www.epa.gov/beaches>.

Wal-Mart Stores, Inc. Fined As Operator Of Construction Site

In the [June 2004 newsletter](#), one of our True Crime Stories involved Walmart's settlement involving storm water violations from construction sites. In general, both Federal and State General Permits impose similar requirements on the operators of construction sites. Generally, a person must obtain coverage under a General Permit if that person engages in construction defined as industrial activity by 40 C.F.R. § 122.26(b)(14)(x) and either has operational control of construction project plans and specifications or has day-to-day operational control of those activities which are necessary to ensure compliance with permit conditions (33 U.S.C. § 1342; 40 C.F.R. Part 122). For more information, go to:

<http://www.epa.gov/compliance/resources/cases/civil/cwa/walmart2.html>. [Table of Contents](#)

STATE NEWS



DELAWARE

Revisions To Surface Water Quality Standards

The Department of Natural Resources and Environmental Conservation has adopted revisions to the state's surface

water quality standards. The revisions are effective 15 Jul 04 and are available at:

http://www.state.de.us/research/register/july2004/final/8%20DE%20Reg%20154%2007-01-04.htm#P9_189



MARYLAND

EPA Proposes Approval Of Revisions In Maryland Plan To Meet Ozone Standard

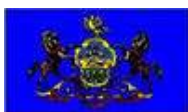
The EPA is proposing approval for Maryland's plan to comply with the air quality standard for ground-level ozone in the Washington D.C. area. The Washington D.C. area was downgraded 24 Jan 03, from serious to severe. EPA proposed a rule that would approve revisions to the Maryland State implementation plan (SIP) for ozone submitted by the state 1 Dec 03. The SIP revisions lower the applicability threshold for new source review (NSR) permitting requirements in five counties in the Washington D.C., area from 50 tons per year of nitrogen oxide or

volatile organic compound emissions to 25 tons per year. NSR requires new or modified sources in nonattainment areas to install modern pollution controls to attain the lowest achievable emissions rate (LAER). Maryland also lowered the applicability threshold for the requirement to install reasonably available control technology (RACT) from 50 tons to 25 tons in the five counties. In addition, new sources in those counties would be required to obtain emissions offsets at the ratio of 1.3-to-1, up from the current ratio of 1.2-to-1. More information is available at: <https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/14Jun04/26.doc.html>. [Table of Contents](#)

Land Use Bill Signed Into Law

Governor Ehrlich signed into law H.B. 1009 requiring a local jurisdiction to make a specified presumption when considering a variance application under the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program. The law establishes the burdens of proof and persuasion in a variance application and requires a local jurisdiction to make findings and authorizing the findings to be based on specified evidence and testimony. The law also requires a local jurisdiction's program to include buffer requirements and specified penalty provisions. The effects of this bill being passed are threefold: (1) It puts more requirements on local government to develop a standardized program, (2) It clearly outlines all requirements that must be met to grant future such variances, and (3) Allows for fines of up to \$10,000 for failure to comply. The law went into effect 1 Jun 04.

<http://mlis.state.md.us/2004rs/bills/hb/hb1009t.rtf>



PENNSYLVANIA



Guidance For Evaluating Alternate Recycle Return Locations Proposed Under The FBRR

The Department of Environmental Protection issued an interim final guidance on for Evaluating Alternate Recycle Return Locations Proposed under the Filter Backwash Recycling Rule (FBRR). The Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule require all systems utilizing surface water or groundwater under the direct influence of surface water (GUDI) to achieve at least 2-log removal of Cryptosporidium. To insure that the practice of recycling does not adversely affect the ability of a plant to meet this requirement, the FBRR requires that certain recycle flows

Fuel-Burning Amendments

The Department of the Environment adopted amendments to the regulations for the control of fuel-burning equipment, stationary internal combustion engines, and certain fuel-burning installations. The purpose of this action is to: (1) amend the definition of the term "fuel" in Regulation .01 to include wood and wood products because the current definition refers only to fossil fuel; (2) clarify the calculations for particulate matter in Regulation .03C so that the adjustment of stack test results to 50 percent excess air applies only when the applicable standard is expressed as a concentration standard such as grains per standard cubic foot of air; and (3) clarify the procedure for determining compliance with particulate matter emission standards using stack test results. This action will be submitted to the USEPA as a revision to the State Implementation Plan. The amendments went into effect 21 Jun 04. [Table of Contents](#)

in conventional and direct filtration facilities be returned to a location in the plant so the recycle flow passes through all of the treatment processes by 8 Jun 04. The FBRR also allows the return of recycle flows to a location other than the head of the plant if the Department determines that use of the alternate location will not adversely affect the ability of the plant to achieve 2-log Cryptosporidium removal. This guidance was developed to aid permitting staff in evaluating requests to recycle to alternate locations. The interim final guidance became effective 29 May 04. More information is available at:

<http://www.pabulletin.com/secure/data/vol34/34-22/953.html>. [Table of Content](#)



VIRGINIA



EPA Approves Emission Standards For Portable Fuel Containers^x.

EPA published a direct final rule approving a State Implementation Plan (SIP) Revision submitted by Virginia. The revision establishes new volatile organic compound emission standards for portable fuel containers that will apply in the Northern Virginia portion of the Washington, D.C. ozone nonattainment area. This control measure will help Virginia meet its emission reduction obligations associated with the Washington, DC area's change from serious to severe nonattainment for one-hour ozone. The rule becomes effective 9 Aug if no adverse comment is received. Compliance with the standard is required by 1 Jan 05. The rule is available at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr08jn04-14.pdf. [Table of Contents](#)

Permit For Impacts Less Than One-Half Acre

The Department of Environmental Quality is holding a public hearing 26 Aug 04 and accepting comments on proposed amendments to its water protection general permit for impacts less than one-half acre. Please send comments to [Will Bullard](#) by 3 Sep 04. More information is available at:

<http://www.townhall.state.va.us/Utils/DisplayContent.cfm?fileName=E:\townhall\docroot\196\660\1438\2769\summary1.pdf>. [Table of Contents](#)



WEST VIRGINIA



WV Receives Funds To Prevent Water Pollution From Storm Runoff^{ext}

EPA awarded a grant of \$721,531 to the Department of Environmental Protection (DEP) to continue to support the state's nonpoint source water pollution control program and to implement specific watershed restoration projects in the highest priority areas of a state. The projects will protect and improve the water quality of drinking water, recreational activities, preserve natural habitat and result in better farm management practices to reduce animal wastes from entering streams. In addition, the grant will help

reduce polluted runoff created during mining and timbering operations, and to treat streams affected by acid mine drainage from abandoned coal mines.

Air Rules For Comment

The DEP is accepting comments on several proposed revisions to its air rules. Please send comments and concerns to [Gary Koerber](mailto:Gary.Koerber@dep.state.wv.us) by 26 Jul 04. A list of the rules is available at:

<http://www.dep.state.wv.us/item.cfm?ssid=8&sslid=376>

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CHESAPEAKE BAY PROGRAM

Embrey Dam Breaching, A Fish Passage Restoration Project, A Success

The story was first reported in our [March 2004 newsletter](#). The Virginia Department of Game and Inland Fisheries (VDGIF) is declaring the breaching a success. VDGIF reports that one of the target fish species has been documented in waters above the dam. On 9 Apr 04, VDGIF Fisheries Division staff conducted boat electrofishing sampling about a half mile upstream of the recently breached Embrey Dam and collected hickory shad (*Alosa mediocris*) in good numbers. This marks the first official documentation of target anadromous species using the breached section of Embrey Dam to move upriver to spawn. Anadromous fish have been denied access to this area for more than 150 years. VDGIF fisheries biologists have been working on finding a solution to fish passage on the Rappahannock since the 1980s. Fish Passage

Coordinator Alan Weaver reported that hundreds, if not thousands, of hickory shad were observed in the waters above Embrey. "They could actually be seen swimming by. The water was churning with migration activity." He added that the fish were in pre-spawning condition (females still ripe with eggs). This is good news because it indicates that they will indeed spawn upriver, utilizing the newly reopened habitat as fisheries biologists had anticipated. The area around Embrey Dam is still a demolition zone and is closed to anglers and boaters while the remainder of the dam is being removed. The demolition will begin in September and is expected to be completed ahead of schedule by March 2005. More information is available at: <http://www.dgif.state.va.us/newsroom/pr-041404-Shad.html> and <http://fredericksburg.com/News/FLS/2004/072004/07072004/1423239>. [Table of Contents](#)

ECO TIP OF THE MONTH

Tons Of Fun

It's something you use everyday. It's everywhere. But when you make your grocery list, sign a speeding ticket, or write down your phone number, do you think what went into that piece of paper?

A ton of "regular" paper requires the following:

- 2 cords of wood (about 17 full grown trees)
- 22,000 gallons of water
- 102 lbs of sulfur
- 350 lbs of lime
- 389 lbs of clay
- 1.2 tons of coal
- 112 kW power
- 20 lbs of dye and pigment

- 108 lbs of starch

A ton of paper will produce about 7000 News Papers.

A ton of recycled paper will save

- 17 trees
- 7000 gallons of water

- 463 gallons of oil (The paper industry is the single largest user of fuel oil in the United States).
- 60 pounds of air pollution
- 3.3 cubic yards of landfill space

4100 kilowatt hours of energy (energy to heat an average home for six months). [Table of Contents](#)

PERSONAL DEVELOPMENT

CONFERENCES

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9th Annual Joint Services Environmental Management Conference (Formerly P2 HWM Conference), 16-19 AUG, San Antonio, TX.

More information is available at:

www.jsemconference.com/attend.htm

DOD Conservation Conference 2004, 22-27 AUG, Savannah, GA.

More information is available at:

www.DODconservationconference.com

National Recycling Coalition 23rd Annual Congress & Expo, 29 AUG-1 SEP, San Francisco, CA.

More information is available at: <http://www.nrc-recycle.org/congress/index.htm>.

Deconstruction Conference, 1-3 SEP, Oakland, CA.

More information is available at:

<http://www.DECON04.com>.

Low Impact Development Conference, 21-23 SEP, College Park, MD.

More information is available at:

www.mwcog.org/environment/lidconference.

DOD Solid Waste/Recycling Workshop and Wastecon, 21-23 SEP, Phoenix, AZ.

More information is available at:

http://www.magnetmail.net/actions/email_web_version.cfm?recipient_id=8486881&message_id=36626&user_id=swana.

2005 NMFWA Annual Training Session Arlington, VA, 14-17 Mar 05

CALL FOR PAPERS. FIRST CUT-OFF DATE: 1 Sep

04. Submit proposals to ryse@adelphia.net.

More information is available at: www.nmfwa.org

TRAINING

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Historic Preservation Law And Section 106 Compliance Course, 20-22 JUL, Jacksonville, FL, San Antonio, TX, Annapolis, MD.

More information is available at:

<https://www.cecos.navy.mil>.

Introduction To Cultural Resource Management Laws and Regulations, 17-19 AUG, New Orleans, LA, Bangor, ME.

More information is available at:

<https://www.cecos.navy.mil>.

Qualified Recycling Program Course Multiple Dates/Multiple Locations

More information is available at:

<http://www.almc.army.mil/EMD/Page5.html>.

EPA Regions 1, 2, 3, & 5 Training Courses Multiple Dates/Multiple Locations

More information is available at:

www.trainex.org.

LINK HELP

SECURE SITES – Links beginning with https:// may give a security error. To get around this problem copy the link and paste it in your browser.

DENIX - Many of our links are to DENIX. To subscribe to DENIX go to: <https://www.denix.osd.mil/denix/register.html> and register. It's a good thing.

If you find a dead link and you really want the information, please contact us at DODrecreg3@navy.mil and we will find the link for you. [Table of Contents](#)

MEET THE REC

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For old issues go to Denix or www.cnrma.navy.mil/rec.

If you or your organization would like to submit an article, story, or picture for future newsletters, send them to [Gene Beale](#). Thanks. [Table of Contents](#)

ⁱWeekly Federal Register Summary, Week of 6/20/04, Prepared By Naval Facilities Engineering Service Center

ⁱⁱ<http://www.inel.gov/procurement/affirm-procurement-program.asp>

ⁱⁱⁱWeekly Federal Register Summary, Week of 6/14/04, Prepared By Naval Facilities Engineering Service Center

^{iv}Weekly Federal Register Summary, Week of 6/27/2004, Prepared By Naval Facilities Engineering Service Center

^vWeekly Federal Register Summary, Week of 6/27/2004, Prepared By Naval Facilities Engineering Service Center

^{vi}Weekly Federal Register Summary, Week of 6/27/2004, Prepared By Naval Facilities Engineering Service Center

^{vii}Weekly Federal Register Summary, Week of 6/27/2004, Prepared By Naval Facilities Engineering Service Center

^{viii}Weekly Federal Register Summary, Week of 6/14/04, Prepared By Naval Facilities Engineering Service Center

^{ix}<https://www.denix.osd.mil/denix/DOD/News/Pubs/DER/06Jul04/30.doc.html>

^xhttp://www.epa.gov/region03/ebytes/ebytes06_11_04.html

^{xi}http://www.epa.gov/region03/ebytes/ebytes06_18_04.html